

Representing Children and Families in Immigration Matters
Session One: Nuts and Bolts: Common Forms of Immigration Relief
Quick Links

Panelists

- Shakira M Rodriguez Oliveras, Senior Staff Attorney, ProBAR Children's Project
 - Shakira Maria Rodriguez Oliveras is a Senior Staff Attorney at the South Texas Pro Bono Asylum Representation Project (or ProBAR) Children's Project. Shakira graduated from Pontifical Catholic University in Ponce Puerto Rico in May 2010 and graduated from Emory University School of Law in Atlanta, Georgia, in May 2013 with an LLM in Transactional Law. In Puerto Rico, Shakira worked in several areas of law such as, Criminal Law, Family Law, and Civil Law. In May 2019, Shakira began working at ProBAR as a staff attorney representing Unaccompanied Children in their removal proceedings and with USCIS. In August 2021, Shakira was promoted to Senior Staff attorney.
- Stacie Hammond, Senior Immigration Attorney, Latino Memphis
 - Stacie Hammond is the Senior Immigration Attorney at Latino Memphis, where she has worked since 2015. Stacie represents clients in affirmative cases with USCIS, including relative petitions, asylum, U and T nonimmigrant status, and Special Immigrant Juvenile Status. Before the Memphis Immigration Court, Stacie represents clients seeking Asylum, Cancellation of Removal, and Adjustment of Status. Stacie serves on the Board of Directors of the Federal Bar Association's Memphis/Mid-South Chapter. She has spoken on panels for the American Immigration Lawyers Association (AILA), AILA's Midsouth Chapter, and UnidosUS. Prior to joining Latino Memphis, Stacie served as the Attorney Advisor at the Memphis Immigration Court from 2013-2015. She is a 2012 graduate of Penn State Dickinson School of Law and is licensed in Pennsylvania.

Asylum

Asylum, generally:

- INA § 101(a)(42)(A), 8 U.S.C. § 1101(a)(42)(A)
- 8 C.F.R. § 208.13

Persecution:

- Harm:
 - *Matter of Kasinga*, 21 I. & N. Dec. 357 (BIA 1996):
<https://www.justice.gov/sites/default/files/eoir/legacy/2014/07/25/3278.pdf>
 - *Morales v. Sessions*, 860 F.3d 812, 816 (5th Cir. 2017):
<https://www.ca5.uscourts.gov/opinions/unpub/20/20-60395.0.pdf>
- Internal Relocation: 8 C.F.R. §§ 208.13(b)(1)(i), (b)(1)(ii), (b)(2)
- Legal Standard: *INS v. Cardoza-Fonseca*, 480 U.S. 421, 431 (1987):
<https://www.law.cornell.edu/supremecourt/text/480/421>
- Four-Point Test: *Matter of Mogharrabi*, 19 I&N Dec. 439 (BIA 1987)
<https://www.justice.gov/sites/default/files/eoir/legacy/2012/08/14/3028.pdf>

Testimony may be enough to prove claim: INA § 208(b)(1)(iii)

Resources

- CGRS Children's Asylum Manual: <https://cgrs.uchastings.edu/news/cgrs-releases-childrens-asylum-manual>
- Safe Passage Project, Asylum Manual: <https://www.safeassageproject.org/wp-content/uploads/2021/07/Asylum-Manual-June-2021.pdf>

Related Fear-Based Relief:

- Withholding of Removal: 8 U.S.C. 1231(b)(3)
- Convention Against Torture: 8 C.F.R. 208.18(a)

Special Immigrant Juvenile Status

SIJS, generally: INA § 101(a)(27)(J); 8 U.S.C. § 1101(a)(27)(J)

Project Lifeline juvenile court jurisdiction map: <https://projectlifeline.us/resources/state-by-state-analysis/>

Department of State's Visa Bulletin: <https://travel.state.gov/content/travel/en/legal/visa-law0/visa-bulletin.html>

End the SIJS Backlog: <https://www.sijsbacklog.com/>

Temporary Protected Status

TPS, generally: 8 U.S.C. § 1254a

United States Citizenship and Immigration Services TPS information: <https://www.uscis.gov/humanitarian/temporary-protected-status>

TPS is not an admission: *Sanchez v. Mayorkas*, Supreme Court No. 20-315 (2020): https://www.supremecourt.gov/opinions/20pdf/20-315_q713.pdf

INA § 212(a) inadmissibility grounds: <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title8-section1182&num=0&edition=prelim>

T Nonimmigrant Visa

T Visa, generally: INA § 101(a)(15)(T); 8 U.S.C. § 1101(a)(15)(T)

U Nonimmigrant Visa

U Visa, generally: INA § 101(a)(15)(U); 8 U.S.C. § 1101(a)(15)(U)

New Bona Fide Determination

- USCIS BFD information: <https://www.uscis.gov/policy-manual/volume-3-part-c-chapter-5>
- Immigrant Legal Resource Center, Overview of the New U Nonimmigrant BFD: https://www.ilrc.org/sites/default/files/resources/u_nonimmigrant_status_bfd.pdf

Violence Against Women Act Self-Petitions

VAWA, generally: INA § 101(a)(51); 8 U.S.C. § 1101(a)(51)

Additional Information

- ILRC's U Visa vs. T Visa vs. VAWA: <https://www.ilrc.org/u-visa-t-visa-ava>
- USCIS Adjustment of Status: <https://www.uscis.gov/green-card/green-card-processes-and-procedures/visa-availability-priority-dates/adjustment-of-status-filing-charts-from-the-visa-bulletin>